

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

PIONEER HI-BRED INTERNATIONAL,)
INC.; CORTEVA AGRISCIENCE, LLC;)
AGRELIANT GENETICS, LLC; BECK'S)
SUPERIOR HYBRIDS, INC.; and)
WINFIELD SOLUTIONS, LLC,)
)
Plaintiffs,) Case No. 8:22-cv-00070
v.)
)
ALTEN, LLC; MEAD CATTLE)
COMPANY, LLC; GREEN DISPOSAL)
MEAD, LLC; PLATTE RIVER GREEN)
FUELS, LLC; and TANNER SHAW, in his)
Individual and official capacities,)
)
Defendants.)

SYNGENTA SEEDS, LLC,)
)
Plaintiff,) Case No. 8:22-cv-00071
v.)
)
ALTEN, LLC; MEAD CATTLE)
COMPANY, LLC; GREEN DISPOSAL)
MEAD, LLC; PLATTE RIVER GREEN)
FUELS, LLC; TANNER SHAW and)
SCOTT TINGELHOFF,)
)
Defendants.)

BAYER US LLC,)
)
Plaintiff,) Case No. 8:22-cv-00082
v.)
)
ALTEN, LLC; MEAD CATTLE)
COMPANY, LLC; GREEN DISPOSAL)
MEAD, LLC; PLATTE RIVER GREEN)

FUELS, LLC; and TANNER SHAW, in his)
 Individual and official capacities,)
)
 Defendants.)

**SECOND STIPULATED MOTION FOR EXTENSION OF TIME TO FILE
 A JOINT STIPULATION FOR DISMISSAL**

The Defendants AltEn, LLC; Mead Cattle Company, LLC; Green Disposal Mead, LLC; Platte River Green Fuels, LLC; Earth, Energy, & Environment, LLC; AltEn Operating Co. LLC; E3 Biofuels, LLC; Integrated Recycling, LLC; Falcon Energy, LLC; Mead Acquisition Company, LLC; and Tanner Shaw and Scott Tingelhoff (“Defendants”) and Plaintiffs Bayer US LLC; Pioneer Hi-Bred International, Inc.; Corteva Agriscience, LLC; AgReliant Genetics, LLC; Beck’s Superior Hybrids, Inc.; Winfield Solutions, LLC; and Syngenta Seeds, LLC (“Plaintiffs” and, together with Defendants, the “Parties”) in the above-captioned cases, via counsel, hereby file their *Second Stipulated Motion For Extension Of Time To File A Joint Stipulation For Dismissal* (the “Motion”) and respectfully request entry of an order extending the Parties’ deadline to file a joint stipulation for dismissal. In support of said Motion, the Parties state the following:

1. On March 26, 2025, the Court entered an Order staying all progression deadlines and setting a deadline of July 1, 2025 for the Parties to electronically file a joint stipulation for dismissal (or other dispositive stipulation) that will fully dispose of the above-captioned cases. (Dkt. 156, Lead Case No. 8:22-cv-70).

2. On April 24, 2025, the Parties filed a Joint Notice of Settlement (Dkt.. 157, Lead Case No. 8:22-cv-70). The Parties’ settlement agreement provides for dismissal following Plaintiff AltEn, LLC’s (“AltEn”) recording of a construction easement and environmental covenants for its facility in Mead, Nebraska (the “AltEn Site”) that is the subject of the above-captioned actions.

3. Pursuant to the Parties' settlement agreement, on April 24, 2025, AltEn recorded a temporary construction easement to provide Plaintiffs unrestricted access to the AltEn Site.

4. On June 25, 2025, the Parties requested an extension of the July 1, 2025 deadline, as Defendants needed more time to secure subordination agreements required by the Nebraska Department of Water, Energy, and Environment ("NDWEE") prior to recording any environmental covenants. That same day, the Court granted an extension of time to September 2, 2025 for a joint stipulation for dismissal (or other dispositive stipulation) that will fully dispose of the case. (Dkt. 159, Lead Case No. 8:22-cv-70).

5. Pursuant to the Parties' settlement agreement, Defendants' counsel has been working diligently to obtain the subordination agreements required by NDWEE. Defendants cannot satisfy the precondition for dismissal under the settlement agreement (recording of environmental covenants) until they first satisfy NDWEE's demands for subordination agreements from all third parties who may have a legal or equitable interest in the AltEn Site.

6. To date, Defendants state that the third parties who have agreed to execute a subordination agreement are Saunders County; Village of Mead; AM JJ Investments, LLC; Casilda Land Holdings, LLC; and Champion Feeders (subject to review and approval of the final version of the environmental covenants proposed by the NDWEE).

7. To date, the third parties who have not yet agreed to execute a subordination agreement are 3801 Harney, LLC; Raka; and JBGB Investments.

8. The Parties have sought the active assistance and involvement of the Nebraska Attorney General's Office ("AGO") and the NDWEE (collectively "the State") to secure the remaining subordination agreements.

9. Because the State and AltEn have not resolved and finalized the subordination agreements that the State requires as a precondition for filing the environmental covenants, Defendants cannot satisfy the final remaining step for entering a joint stipulation for dismissal before the September 2, 2025 deadline.

10. Therefore, the Parties respectfully request the Court to extend the September 2, 2025 deadline to file a joint stipulation for dismissal so that Defendants may continue efforts to obtain the subordination agreements required by the State and then proceed to record the environmental covenants.

11. Accordingly, Defendants and Plaintiffs in the above-captioned cases respectfully request the Court enter an Order granting the parties until October 15, 2025, to electronically file a joint stipulation for dismissal (or other dispositive stipulation) that will fully dispose of the above-captioned cases.

12. The Parties will also provide a status report to the Court by September 30, 2025 if the Court so advises.

WHEREFORE, Defendants and Plaintiffs in the above-captioned cases pray that this Court enter an Order:

- A. Granting the Parties *Second Stipulated Motion For Extension Of Time To File A Joint Stipulation For Dismissal*;
- B. Extending the deadline for the Parties to electronically file a joint stipulation for dismissal (or other dispositive stipulation) that will fully dispose of the above-captioned cases up to and including October 15, 2025; and
- C. For any such other relief as may be just and proper under the premises. The Parties can provide a status report to the Court by September 30, 2025 if the Court so advises.

Respectfully submitted,

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